



Mary-Ann Warmerdam
Director

Edmund G. Brown Jr.
Governor

March 23, 2011

<Registrant>
<Company Name>
<Street Name>
<City, State, ZIP>

Dear <Registrant>:

Clarification of Leach Rate Determination, Notice of Additional Data Requirements, and Meeting Regarding the Reevaluation of Copper Based Antifouling Paint Pesticides

On June 3, 2010, the Department of Pesticide Regulation (DPR) placed all pesticide products containing the active ingredients copper oxide, copper hydroxide and cuprous thiocyanate intended for use as antifouling paint (AFP) pesticides on boat and ship hulls into reevaluation. Pursuant to the reevaluation, DPR required registrants to submit the following information within specified timeframes:

- A) A statement of compliance with the reevaluation data requirements;
- B) Identification of the type of paint product for each product listed in the reevaluation;
- C) Submission of the release rate data generated using 1) American Society for Testing Method (ASTM) - Organotin Release Rates of Antifouling Coating Systems in Sea Water (ASTM D5108-90); or 2) ASTM Test Method - Standard Test Method for Determination of Copper Release Rate from Antifouling Coatings in Substitute Ocean Water (ASTM D6442-06); and,
- D) Submission of mitigation strategies to reduce dissolved copper concentrations in California salt and brackish water marinas to levels below California Toxics Rule or regionally applicable standards.

On August 23, 2010, DPR received notice that the Antifouling Coatings Work Group (AFWG) of the American Coatings Association (ACA) has formed the ACA California Copper Antifouling (Reevaluation) Task Force (ACA AFWG) to assist in the reevaluation data generation.

DPR received a number of responses from registrants as well as ACA AFWG. Based on the responses received, it appears that registrants do not have laboratory leach rate data readily available to submit to DPR. Registrants also noted that it was not feasible to generate leach rate data utilizing either ASTM method within the 150-day timeframe set by DPR.



Modification of Reevaluation Data Requirements

Therefore, DPR is no longer requiring the submission of release rate data generated using ASTM Method D5108-90 or ASTM D6442-06. Instead, within **60 days** from the date of this letter, <Company Name> is hereby required to submit leach rate information for each product included in this reevaluation. The leach rate is to be calculated using the International Organization for Standardization (ISO) 10890:2010 method entitled, “Paints and Varnishes – Modeling of Biocides Release Rate from Antifouling Paints by Mass Balance Calculation.” Supplemental information to support the calculated leach rate(s) for each product(s) are also required including: (1) Material Safety Data Sheet(s), and (2) Technical Data Sheet(s). Registrants may obtain the ISO method from their Web site at www.iso.org or an associated organization that is authorized to distribute the method.

When submitting the required data, please include product brand name as registered with DPR and the EPA registration number, including the California alpha code, in the Product Description box. All data is required to be bound in accordance with California Notice 2006-6.

If the information is not supplied in the above manner, the submission will be deemed unacceptable.

Additional Data Requirement

Additionally, within **120 days** from the date of this letter, <Company Name> or ACA AFWG is hereby required to develop and submit to DPR, a scientifically valid study protocol to accurately determine the impact of underwater hull cleaning activities on copper concentrations in California marina waters. DPR will use the study results to help guide the development and implementation of mitigation strategies.

All leach rate data and study protocols submitted to DPR are required to be formatted in accordance with CA Notice 2006-06, Format Guideline for Data Submitted to Support Pesticide Product Registration in California. This Notice is located on DPR’s Web site at <http://www.cdpr.ca.gov/docs/canot/CA2006-06.pdf>.

Registrant
Date
Page 3

Meeting

A number of registrants requested to meet with DPR. This letter notifies you of an opportunity to meet with DPR staff at the following location, date and time:

DATE: May 16th, 2011
TIME: 10:00 AM
PLACE: California Environmental Protection Agency (Cal/EPA Headquarters)
Conference Room 450, 4th Floor
1001 I Street
Sacramento, California 95814

For those registrants who have not yet submitted a mitigation strategy, DPR will establish new timeframes after the meeting. These mitigation proposals are to reduce dissolved copper concentrations in California salt and brackish water marinas to levels below California Toxics Rule or regionally applicable standards as specified in its June 3, 2010 reevaluation letter.

Mailing Address

Please address all correspondence regarding this reevaluation as follows:

Antifouling Paint Reevaluation
Attn: Richard Spas
Department of Pesticide Regulation
1001 I Street, PO Box 4015
Sacramento, California 95812-4015

Enclosed are directions for traveling to the Cal/EPA Headquarters building and a proposed meeting agenda.

Registrant
Date
Page 4

If you have any questions regarding the meeting or the reevaluation process, please contact Mr. Richard Spas by e-mail at rspas@cdpr.ca.gov or by telephone at 916-322-9522 or Ms. Denise Alder by e-mail at dalder@cdpr.ca.gov or by telephone at 916-324-3522. If you have any questions regarding calculations of the leach rate information or the required underwater hull cleaning protocol, please contact Mr. Nan Singhasemanon by e-mail at nsinghasemanon@cdpr.ca.gov or by telephone at 916.445-1717.

Sincerely,

Ann M. Prichard, Chief
Pesticide Registration Branch
916-324-3931

cc: Ms. Denise Alder, DPR, Registration Branch, Staff Environmental Scientist
Mr. Richard Spas, DPR, Registration Branch, Environmental Scientist
Mr. Nan Singhasemanon, DPR, Environmental Monitoring Branch
Staff Environmental Scientist